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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 27 July 2009 from the Permanent Mission of Italy to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Italy to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the pleasure to transmit Italy's report on steps taken with a view to effectively implementing the provisions set out in the above resolution and in resolution 1874 (2009) (see annex).

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Annex to the note verbale dated 27 July 2009 from the Permanent Mission of Italy to the United Nations addressed to the Chairman of the Committee

Pursuant to paragraph 22 of Security Council resolution 1874 (2009), which was unanimously adopted on 12 June 2009, Italy has the honour to convey as follows the requested information concerning the implementation of the provisions envisaged in paragraph 8 of resolution 1718 (2006) as well as paragraphs 9, 10, 18, 19 and 20 of resolution 1874 (2009), pending the approval of relevant new EU legislation.

1. Regarding the implementation of the restrictions on the sales of arms to the Democratic People's Republic of Korea (DPRK), the Italian Government would like to inform that the export of weapons of any kind and defence material is regulated in Italy by Law 185/90. This law, in addition to envisaging the strict implementation of arms embargo deliberated by the United Nations or the EU, prescribes stringent criteria for the granting of export licences. Threat to peace and to regional stability and standard of compliance to human rights are the two most relevant benchmarks the Italian assessments are based upon. Therefore export licences cannot be issued in violation of the provisions of resolutions 1718 and 1874. Furthermore, Italy abides by the political commitments stemming from the EU Code of Conduct, which also sets stringent rules on individual Members' decision on whether or not to authorize an export licence.

2. As to the control of dual-use items, Italy has adopted decree law 96/2003, which describes the national administration of the relevant EU legislation. According to this legal basis, Italy monitors and controls the export of dual-use items listed by the various control regime. With reference to the products listed in paragraph 8 of Security Council resolution 1718, as updated by the decision of the 1718 Security Council Committee dated 16 July 2009, applications for an export licence shall not be approved. Moreover, decree law 96/2003 stipulates that any technical assistance on dual-use items is prohibited when it is related to weapons of mass destruction.

3. Italy will implement the restrictions on admission of person, entities and bodies as designated by the 1718 Committee and by the relevant EU legislation. Moreover, Italy, as a Schengen member State, lists DPRK among the countries whose nationals are required to hold a visa when crossing external EU borders.

4. With reference to paragraph 8 (f) envisaging cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, Italy recalls its active participation in the Proliferation Security Initiative since its launching in 2003. Within this framework Italy regularly takes part in air, ground and sea interdiction exercises. Italy strictly enforces all the relevant provision at the United Nations and EU level (EU Common position 795 adopted on 20 November 2006 and EU Regulation 329/2007, as amended by EU Regulation 117/2008).

5. Concerning the restrictive measures concerning sensitive goods and technology, luxury goods and the freezing of funds and economic resources, Italy has actively participated in the enforcement of the European legal instruments (EU Common position 795 adopted on 20 November 2006 and EU Regulation 329/2007, as amended by EU Regulation 117/2008) as well as in the negotiation for the

pending approval of a new EU Common Position following the adoption of the United Nations Security Council resolution 1874. Italy shall strictly implement the measures imposed by paragraph 8 (d) of resolution 1718 on the entities, bodies and individuals designated at the EU and United Nations level (in particular through the decision of the 1718 Security Council Committee dated 16 July 2009 and through EC Regulation No. 389/2009 dated 12 May 2009.

6. Moreover, the above-mentioned legal framework has been detailed and strengthened by the enactment, at the national level, of the decree law 109/2007, whose article 13 provides an articulated sanctionatory regime related to freezing of financial assets and economic resources. In particular, with regard to the embargo on luxury goods, the renewed Italian commitment has been confirmed recently by the decision of the Italian authorities to block the sale of luxury yachts to an Austrian company under the suspicion that they were destined for a buyer in North Korea, in violation of the international embargo. As a result of such a decision, the two boats were confiscated on 28 May and the advance payment frozen. The blocking of the sale of the two yachts follows an earlier measure taken this year by the Italian authorities for the prevention of the shipment to DPRK of high-end electrical/electronic apparata for recording and reproducing sound and images.